IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 323 of 2007
Date of decision : 19.1.2007

Sultan Singh.

.....Petitioner.

Versus

U.H.B.V.N. Ltd. and others.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. J.S. Cooner, Advocate
for the petitioner.

****

VINOD K. SHARMA,J.(ORAL)

By way of present revision petition the challenge is to the order vide which application moved by the petitioner under Order 39 Rules 1 & 2 C.P.C. has been dismissed by the learned Courts below.

The petitioner had sought a restraint order against the U.H.B.V.N. Ltd. from giving connection to other consumers from the transformer installed in the land of the petitioner.

The case of the petitioner is that the payment of the transformer was made by the petitioner and, therefore, he was entitled to its exclusive use and the respondents herein could not give connection to other consumers from the said transformer.

The learned Courts below dismissed the application moved by the petitioner for grant of temporary injunction by recording a finding that 25 KVA transformer installed in the land of the petitioner is meant for providing electric connection to the tubewells. The ownership of the transformer vests in U.H.B.V.N. Ltd. and, therefore, it could not be restrained from giving connections to other consumers. A finding was also recorded that in fact no payment for transformer has been made by the petitioner. The finding recorded is in consonance with law as the

transformer remains the property of U.H.B.V.N. Ltd. and, therefore, it was not open to any party to restrain it from giving connection to other consumers.

The present revision petition is accordingly dismissed being without merit.

However, nothing stated above will be deemed to be an opinion on merits of the case.

19.1.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**